

Senate File 432 - Introduced

SENATE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1260)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making changes to the conduct of elections and voter
2 registration and including effective and applicability date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2804SV 82
6 sc/gg/14

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1 1 DIVISION I
1 2 GENERAL PROVISIONS RELATING
1 3 TO CONDUCT OF ELECTIONS
1 4 Section 1. Section 2.27, Code 2007, is amended to read as
1 5 follows:
1 6 2.27 CANVASS OF VOTES FOR GOVERNOR.
1 7 The general assembly shall meet in joint session on the
1 8 same day the assembly first convenes in January of 1979 and
1 9 every four years thereafter as soon as both houses have been
1 10 organized, and canvass the votes cast for governor and
1 11 lieutenant governor and determine the election. ~~If an~~
~~1 12 election is necessary under section 69.13 to fill a vacancy in~~
~~1 13 the office of lieutenant governor, the general assembly shall~~
~~1 14 similarly meet on the day it convenes in the January following~~
~~1 15 that election and canvass the vote cast for the office. When~~
1 16 the canvass is completed, the oath of office shall be
1 17 administered to the persons or person so declared elected.
1 18 Upon being inaugurated the governor shall deliver to the joint
1 19 assembly any message the governor may deem expedient.
1 20 Sec. 2. Section 43.6, subsection 2, Code 2007, is amended
1 21 to read as follows:
1 22 2. When a vacancy occurs in the office of county
1 23 supervisor or any of the offices listed in section 39.17 and
1 24 more than seventy days remain in the term of office following
1 25 the next general election, the office shall be filled for the
1 26 balance of the unexpired term at that general election unless
1 27 the vacancy has been filled by a special election called more
1 28 than seventy-three days before the primary election. If the
1 29 vacancy occurs more than seventy-three days before the primary
1 30 election, political party candidates for that office at the
1 31 next general election shall be nominated at the primary
1 32 election. If an appointment to fill the vacancy in office is
1 33 made eighty-eight or more days before the primary election and
1 34 a petition requesting a special election has not been received
1 35 within fourteen days after the appointment is made, candidates
2 1 for the office shall be nominated at the primary election.
2 2 Sec. 3. Section 43.14, Code 2007, is amended to read as
2 3 follows:
2 4 43.14 FORM OF NOMINATION PAPERS.
2 5 1. Nomination papers shall include a petition and an
2 6 affidavit of candidacy. All nomination petitions shall be
2 7 eight and one-half by eleven inches in size and in
2 8 substantially the form prescribed by the state commissioner of
2 9 elections. They shall include or provide spaces for the
2 10 following information:
2 11 a. A statement identifying the signers of the petition as
2 12 eligible electors of the appropriate county or legislative
2 13 district and of the state.
2 14 b. The name of the candidate nominated by the petition.
2 15 c. For nomination petitions for candidates for the general
2 16 assembly, a statement that the residence of the candidate is

2 17 within the appropriate legislative district, or if that is not
2 18 true, that the candidate will reside there within sixty days
2 19 before the election. For other offices, a statement of the
2 20 name of the county where the candidate resides.

2 21 d. The political party with which the candidate is a
2 22 registered voter.

2 23 e. The office sought by the candidate, including the
2 24 district number, if any.

2 25 f. The date of the primary election for which the
2 26 candidate is nominated.

2 27 2. Signatures on a petition page shall be counted only if
2 28 the ~~required~~ information required in subsection 1 is written
2 29 or printed at the top of the page. Nomination papers on
2 30 behalf of candidates for seats in the general assembly need
2 31 only designate the number of the senatorial or representative
2 32 district, as appropriate, and not the county or counties, in
2 33 which the candidate and the petitioners reside. A signature
2 34 line shall not be counted if the line lacks the signature of
2 35 the eligible elector and the signer's address and city. ~~The~~
~~3 1 person examining the petition shall mark any deficiencies on~~
~~3 2 the petition and affidavit. A signature line shall not be~~
~~3 3 counted if the signer's address is obviously outside the~~
3 4 boundaries of the district.

3 5 ~~2- 3.~~ 3. The person examining the petition shall mark any
3 6 deficiencies on the petition and affidavit. Signed nomination
3 7 petitions and the signed and notarized affidavit of candidacy
3 8 shall not be altered to correct deficiencies noted during
3 9 examination. If the nomination petition lacks a sufficient
3 10 number of acceptable signatures, the nomination petition shall
3 11 be rejected and shall be returned to the candidate.

3 12 4. The nomination papers shall be rejected if the
3 13 affidavit lacks any of the following:

3 14 a. The candidate's name.
3 15 b. The name of the office sought, including the district,
3 16 if any.

3 17 c. The political party name.
3 18 d. The signature of the candidate.

3 19 e. The signature of a notary public or other officer
3 20 empowered to witness oaths.

3 21 5. The candidate may replace a deficient affidavit with a
3 22 corrected affidavit only if the replacement affidavit is filed
3 23 before the filing deadline. The candidate may resubmit a
3 24 nomination petition that has been rejected by adding a
3 25 sufficient number of pages or signatures to correct the
3 26 deficiency. A nomination petition and affidavit filed to
3 27 replace rejected nomination papers shall be filed together
3 28 before the deadline for filing.

3 29 Sec. 4. Section 45.5, Code 2007, is amended to read as
3 30 follows:

3 31 45.5 FORM OF NOMINATION PAPERS.

3 32 1. Nomination papers shall include a petition and an
3 33 affidavit of candidacy. All nomination petitions shall be
3 34 eight and one-half by eleven inches in size and shall be in
3 35 substantially the form prescribed by the state commissioner of
4 1 elections. They shall provide spaces for the following
4 2 information:

4 3 a. A statement identifying the signers of the petition as
4 4 eligible electors of the appropriate ward, city, county,
4 5 school district or school district director district, or
4 6 legislative district and of the state of Iowa.

4 7 b. The name of the candidate nominated by the petition.

4 8 c. A statement that the candidate is or will be a resident
4 9 of the appropriate ward, city, county, school district, or
4 10 legislative or other district as required by section 39.27.

4 11 d. The office sought by the candidate, including the
4 12 district number, if any.

4 13 e. The name and date of the election for which the
4 14 candidate is nominated.

4 15 2. Signatures on a petition page shall be counted only if
4 16 the ~~required~~ information required in subsection 1 is written
4 17 or printed at the top of the page. Nomination papers on
4 18 behalf of candidates for seats in the general assembly need
4 19 only designate the number of the senatorial or representative
4 20 district, as appropriate, and not the county or counties, in
4 21 which the candidate and the petitioners reside. A signature
4 22 line in a nomination petition shall not be counted if the line
4 23 lacks the signature of the eligible elector and the signer's
4 24 address and city. ~~The person examining the petition shall~~
~~4 25 mark any deficiencies on the petition. A signature line shall~~
~~4 26 not be counted if the signer's address is obviously outside~~
4 27 the boundaries of the appropriate ward, city, school district

4 28 or school district director district, legislative district, or
4 29 other district.

4 30 ~~2.~~ 3. The pages of the petition shall be securely
4 31 fastened together to form a single bundle. Nomination
4 32 petitions that are not bound shall be returned without further
4 33 examination. The state commissioner shall prescribe by rule
4 34 the acceptable methods for binding nomination petitions.

4 35 ~~3.~~ 4. The person examining the petition shall mark any
5 1 deficiencies on the petition. Signed nomination petitions and
5 2 the signed and notarized affidavit of candidacy shall not be
5 3 altered to correct deficiencies noted during the examination.
5 4 If the nomination petition lacks a sufficient number of
5 5 acceptable signatures, the nomination papers shall be rejected
5 6 and returned to the candidate.

5 7 5. The nomination papers shall be rejected if the
5 8 affidavit lacks any of the following:

- 5 9 a. The candidate's name.
5 10 b. The name of the office sought, including the district,
5 11 if any.
5 12 c. The signature of the candidate.
5 13 d. The signature of a notary public or other officer
5 14 empowered to witness oaths.

5 15 6. The candidate may replace a deficient affidavit with a
5 16 corrected one only if the replacement is filed before the
5 17 filing deadline. The candidate may resubmit a nomination
5 18 petition that has been rejected by adding a sufficient number
5 19 of pages or signatures to correct the deficiency. A
5 20 nomination petition and affidavit filed to replace rejected
5 21 nomination papers shall be filed together before the deadline
5 22 for filing.

5 23 Sec. 5. Section 45.6, subsection 3, Code 2007, is amended
5 24 to read as follows:

5 25 3. All signers, for all nominations, of each separate part
5 26 of a nomination petition, shall reside in the appropriate
5 27 ward, city, county, school district or school district
5 28 ~~director district, or~~ legislative district, or other district
5 29 as required by section 45.1.

5 30 Sec. 6. Section 49.8, Code 2007, is amended by adding the
5 31 following new subsection:

5 32 NEW SUBSECTION. 6A. Precinct boundaries established by a
5 33 city council pursuant to section 49.5 or 49.6 and not changed
5 34 under subsections 1 through 5 since the most recent federal
5 35 decennial census, may be redrawn by the city council in
6 1 accordance with sections 49.3 and 49.5 once during the period
6 2 beginning January 1 of the second year following a year in
6 3 which a federal decennial census is taken and ending June 30
6 4 of the year immediately following the year in which the next
6 5 succeeding federal decennial census is taken, if the
6 6 commissioner recommends that the change will effect a
6 7 substantial savings in election costs. Changes made under
6 8 this subsection shall be made not later than ninety-nine days
6 9 before a city primary or runoff election, unless the changes
6 10 will not take effect until January 1 of the next odd-numbered
6 11 year.

6 12 Sec. 7. Section 49.14, subsection 1, Code 2007, is amended
6 13 to read as follows:

6 14 1. The commissioner may appoint substitute precinct
6 15 election officials as alternates for election board members.

~~6 16 A majority of the original election board members shall be
6 17 present at the precinct polling place at all times; at
6 18 partisan elections such majority shall include at least one
6 19 precinct election official from each political party. If the
6 20 chairperson leaves the polling place, the chairperson shall
6 21 designate another member of the board to serve as chairperson
6 22 until the chairperson returns. The responsibilities and
6 23 duties of a precinct election official, other than the
6 24 chairperson, present at the time the polling place was opened
6 25 on the day of an election may be assumed at any later time
6 26 that day by a substitute appointed as an alternate. The
6 27 substitute shall serve either for the balance of that election
6 28 day or for any shorter period of time the commissioner may
6 29 designate. At partisan elections, a substitute precinct
6 30 election official assuming the duties of a precinct election
6 31 official shall be a member of the same political party as the
6 32 precinct election official whose duties are being assumed.~~

6 33 Sec. 8. Section 49.57, subsections 2 and 3, Code 2007, are
6 34 amended to read as follows:

6 35 2. In the area of the general election ballot for straight
7 1 party voting, the party or organization names shall be printed
7 2 in capital upper case and lower case letters of using a
7 3 uniform font size, in for each political party or nonparty

7 4 political organization. The font size shall be not less than
7 5 twelve point type. After the name of each candidate for a
7 6 partisan office the name of the candidate's political party
7 7 shall be printed in at least six point type. The names of
7 8 political parties and nonparty political organizations may be
7 9 abbreviated on the remainder of the ballot if both the full
7 10 name and the abbreviation appear in the "Straight Party" and
7 11 "Other Political Party" areas of the ballot.

7 12 3. The names of candidates shall be printed in capital
7 13 upper case and lower case letters, of using a uniform font
7 14 size throughout the ballot, in. The font size shall be not
7 15 less than ten point type.

7 16 Sec. 9. Section 49.57, Code 2007, is amended by adding the
7 17 following new subsection:

7 18 NEW SUBSECTION. 3A. In no case shall the font size for
7 19 public measures, constitutional amendments, and constitutional
7 20 convention questions, and summaries thereof, be less than ten
7 21 point type.

7 22 Sec. 10. Section 49.57, subsection 5, Code 2007, is
7 23 amended to read as follows:

7 24 5. A portion of the ballot, which can be shown to the
7 25 precinct officials without revealing any of the marks made by
7 26 the voter, shall include the words "Official ballot", a
7 27 designation of the ballot rotation, if any the unique
7 28 identification number or name assigned by the commissioner to
7 29 the ballot style, the date of the election, and a facsimile of
7 30 the signature of the commissioner who has caused the ballot to
7 31 be printed pursuant to section 49.51.

7 32 Sec. 11. Section 49.73, subsection 1, paragraph e, Code
7 33 2007, is amended to read as follows:

7 34 e. The Any election conducted for the unincorporated area
7 35 of any a county voting on a local option sales and services
8 1 tax pursuant to section 423B.1.

8 2 Sec. 12. Section 49.79, Code 2007, is amended to read as
8 3 follows:

8 4 49.79 CHALLENGES.

8 5 1. Any person offering to vote may be challenged as
8 6 unqualified by any precinct election official or registered
8 7 voter. It is the duty of each official to challenge any
8 8 person offering to vote whom the official knows or suspects is
8 9 not duly qualified. A ballot shall be received from a voter
8 10 who is challenged, but only in accordance with section 49.81.

8 11 2. A person may be challenged for any of the following
8 12 reasons:

8 13 a. The challenged person is not a citizen of the United
8 14 States.

8 15 b. The challenged person is less than eighteen years of
8 16 age as of the date of the election at which the person is
8 17 offering to vote.

8 18 c. The challenged person is not a resident at the address
8 19 where the person is registered. However, a person who is
8 20 reporting a change of address at the polls on election day
8 21 pursuant to section 48A.27, subsection 2, paragraph "a",
8 22 subparagraph (3), shall not be challenged for this reason.

8 23 d. The challenged person is not a resident of the precinct
8 24 where the person is offering to vote.

8 25 e. The challenged person has falsified information on the
8 26 person's registration form or on the person's declaration of
8 27 eligibility.

8 28 f. The challenged person has been convicted of a felony,
8 29 and the person's voting rights have not been restored.

8 30 g. The challenged person has been adjudged by a court of
8 31 law to be a person who is incompetent to vote and no
8 32 subsequent proceeding has reversed that finding.

8 33 Sec. 13. Section 50.16, Code 2007, is amended to read as
8 34 follows:

8 35 50.16 TALLY LIST OF BOARD.

9 1 The tally list shall be prepared in writing by the election
9 2 board giving, in legibly printed numerals, the total number of
9 3 people who cast ballots in the precinct, the total number of
9 4 ballots cast for each ~~office~~ office, except those rejected,
9 5 the name of each person voted for, and the number of votes
9 6 given to each person for each different office. The tally
9 7 list shall be signed by the precinct election officials, and
9 8 be substantially as follows:

9 9 At an election at in township, or in
9 10 precinct of city or township, in county, state of
9 11 Iowa, on the ... day of A-D- .., there were ... ballots
9 12 cast for the office of of which
9 13 (Candidate's name) had .. votes.
9 14 (Candidate's name) had .. votes.

9 15 (and in the same manner for any other officer).
9 16 A true tally list:
9 17 (Name) Election Board
9 18 (Name) Members.
9 19 (Name)
9 20 Attest:
9 21 (Name) Designated
9 22 (Name) Tally Keepers.
9 23 Sec. 14. Section 50.25, subsection 7, Code 2007, is
9 24 amended by striking the subsection.
9 25 Sec. 15. Section 50.25, Code 2007, is amended by adding
9 26 the following new unnumbered paragraph:
9 27 NEW UNNUMBERED PARAGRAPH. The abstract of the votes for
9 28 each county office is not required to be made on a different
9 29 sheet.
9 30 Sec. 16. Section 52.25, unnumbered paragraph 2, Code 2007,
9 31 is amended to read as follows:
9 32 The entire convention question, amendment, or public
9 33 measure shall be printed and displayed prominently in at least
9 34 four places within the voting precinct, and inside each voting
9 35 booth, or on the left-hand side inside the curtain of each
10 1 voting machine, the printing to be in conformity with the
10 2 provisions of chapter 49. The question, amendment, or
10 3 measure, and summaries thereof, shall be printed on the
10 4 special paper ballots or on the inserts used in the voting
10 5 machines. In no case shall the font size be less than ten
10 6 point type. The public measure shall be summarized by the
10 7 commissioner and in the largest type possible printed on the
10 8 special paper ballots or inserts used in the voting machines,
10 9 except that:
10 10 Sec. 17. Section 58.1, Code 2007, is amended to read as
10 11 follows:
10 12 58.1 NOTICE == GROUNDS.
10 13 The contestant for the office of governor ~~or lieutenant~~
10 14 ~~governor~~ shall, within thirty days after the proclamation of
10 15 the result of the election, deliver to the presiding officer
10 16 of each house of the general assembly a notice of intent to
10 17 contest, and a specification of the grounds of such contest,
10 18 as provided in chapter 62.
10 19 Sec. 18. Section 376.11, unnumbered paragraphs 1 and 2,
10 20 Code 2007, are amended to read as follows:
10 21 Write-in votes are permitted to be cast in all elections
10 22 for city offices. A person who receives a sufficient number
10 23 of write-in votes to be elected to a city office shall be
10 24 declared the winner of the election. If a person who was
10 25 elected by write-in votes chooses not to serve in that office
10 26 the person shall submit a resignation in writing to the city
10 27 clerk not later than five ~~o'clock~~ p.m. on the tenth day
10 28 following the canvass of the election. If a person who was
10 29 elected by write-in votes resigns at a later time, the office
10 30 shall be considered vacant at the end of the term and the
10 31 council shall fill the vacancy pursuant to the provisions of
10 32 section 372.13, subsection 2.
10 33 Except in cities where the council has chosen a runoff
10 34 election in lieu of a primary, following the resignation of a
10 35 person who was elected by write-in votes, the city clerk shall
11 1 notify the person who received the next highest number of
11 2 votes cast for the office that the person may assume the
11 3 office. If the person accepts the position, the person shall
11 4 be considered the duly elected officer unless, within ten days
11 5 after the clerk has given notice, a petition requesting a
11 6 special election is filed by eligible electors of the city
11 7 equal in number to twenty-five percent of the number of
11 8 persons who voted for the office at the election. If the
11 9 person declines, the person shall do so in writing to the city
11 10 clerk within ten days and the office shall be considered
11 11 vacant at the end of the term. The vacancy shall be filled
11 12 pursuant to the provisions of section 372.13, subsection 2.
11 13 If the council chooses to appoint, the appointment may be made
11 14 before the end of the current term.
11 15 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.
11 16 1. The section of this division of this Act amending
11 17 section 49.8, being deemed of immediate importance, takes
11 18 effect upon enactment and applies to elections held on or
11 19 after January 1, 2008.
11 20 2. The remainder of this division of this Act applies to
11 21 elections held on or after January 1, 2008.
11 22 DIVISION II
11 23 ABSENTEE VOTING
11 24 Sec. 20. Section 39A.4, subsection 1, paragraph c,
11 25 subparagraphs (10), (11), and (12), Code 2007, are amended to

11 26 read as follows:

11 27 (10) As an incumbent officeholder of, or a candidate for,
11 28 an office being voted for at the election in progress, serving
11 29 as a member of a challenging committee or observer under
11 30 section 49.104, subsection 2, 5, or 6, or section 53.23,
11 31 subsection 4.

11 32 (11) Returning a voted absentee ballot, by mail or in
11 33 person, to the commissioner's office and the person returning
11 34 the ballot is not the voter, an immediate family member
11 35 authorized by the voter to return the ballot, an absentee

12 1 ballot courier, a special precinct election official
12 2 designated pursuant to section 53.22, subsection 1, or the
12 3 designee of a voter described in section 53.22, subsection 5.

12 4 (12) Making a false or untrue statement reporting that a
12 5 voted absentee ballot was returned to the commissioner's
12 6 office, by mail or in person, by a person other than the
12 7 voter, an immediate family member authorized by the voter to
12 8 return the ballot, an absentee ballot courier, a special

12 9 precinct election official designated pursuant to section
12 10 53.22, subsection 1, or the designee of a voter described in
12 11 section 53.22, subsection 5.

12 12 Sec. 21. Section 39A.5, subsection 1, paragraph b,
12 13 subparagraph (2), Code 2007, is amended to read as follows:

12 14 (2) ~~Neglecting or refusing to return an absentee ballot in~~
12 15 ~~violation of section 53.35, or violating~~ Violating any other
12 16 provision of chapter 53 for which another penalty is not
12 17 provided.

12 18 Sec. 22. Section 49.63, Code 2007, is amended to read as
12 19 follows:

12 20 49.63 TIME OF PRINTING == INSPECTION AND CORRECTION.

12 21 Ballots shall be printed and in the possession of the
12 22 commissioner in time to enable the commissioner to furnish
12 23 ballots to absent voters as provided by sections 53.8, 53.10,
12 24 and 53.11. The printed ballots shall be subject to the
12 25 inspection of candidates and their agents. If mistakes are
12 26 discovered, they shall be corrected without delay, in the
12 27 manner provided in this chapter.

12 28 Sec. 23. Section 53.2, subsections 1 and 4, Code 2007, are
12 29 amended to read as follows:

12 30 1. Any registered voter, under the circumstances specified
12 31 in section 53.1, may on any day, except election day, and not
12 32 more than seventy days prior to the date of the election,
12 33 apply in person for an absentee ballot at the commissioner's
12 34 office or at any location designated by the commissioner.
12 35 However, for those elections in which the commissioner directs

13 1 the polls be opened at noon pursuant to section 49.73, a voter
13 2 may apply in person for an absentee ballot at the
13 3 commissioner's office from eight a.m. until eleven a.m. on
13 4 election day.

13 5 PARAGRAPH DIVIDED. A registered voter may make written
13 6 application to the commissioner for an absentee ballot. A
13 7 written application for an absentee ballot must be received by
13 8 the commissioner no later than five p.m. on the Friday before
13 9 the election. A written application for an absentee ballot
13 10 delivered to the commissioner and received by the commissioner
13 11 more than seventy days prior to the date of the election shall
13 12 be retained by the commissioner and processed in the same
13 13 manner as a written application received not more than seventy
13 14 days before the date of the election.

13 15 4. Each application shall contain the name and signature
13 16 of the registered voter, the registered voter's date of birth,
13 17 the address at which the voter is registered to vote, and the
13 18 name or date of the election for which the absentee ballot is
13 19 requested, and such other information as may be necessary to
13 20 determine the correct absentee ballot for the registered
13 21 voter. If insufficient information has been provided, the
13 22 commissioner shall, by the best means available, obtain the
13 23 additional necessary information.

13 24 Sec. 24. Section 53.7, subsection 1, Code 2007, is amended
13 25 to read as follows:

13 26 1. It shall be unlawful for any employee of the state or
13 27 any employee of a political subdivision to solicit any
13 28 application or request for application for an absentee ballot,
13 29 or to take an affidavit in connection with any absentee ballot
13 30 while the employee is on the employer's premises or otherwise
13 31 in the course of employment. However, any such employee may
13 32 take such affidavit in connection with an absentee ballot
13 33 which is cast by the registered voter in person in the office
13 34 where such employee is employed in accordance with section
13 35 53.10 or 53.11. This subsection shall not apply to any
14 1 elected official.

14 2 Sec. 25. Section 53.8, subsection 2, Code 2007, is amended
14 3 to read as follows:

14 4 2. If an application is received so late that it is
14 5 unlikely that the absentee ballot can be returned in time to
14 6 be counted on election day, the commissioner shall enclose
14 7 with the absentee ballot a statement to that effect. The
14 8 statement shall also point out that it is possible for the
14 9 applicant, an immediate family member of the applicant, or the
14 10 applicant's designee if the absentee ballot is voted by a
14 11 voter described in section 53.22, subsection 5, to personally
14 12 deliver the completed absentee ballot to the office of the
14 13 commissioner at any time before the closing of the polls on
14 14 election day. The statement shall also point out that it is
14 15 possible for an absentee ballot courier to personally deliver
14 16 the completed absentee ballot to the office of the
14 17 commissioner within seventy-two hours of retrieving the
14 18 completed ballot or before the closing of the polls on
14 19 election day, whichever is earlier.

14 20 Sec. 26. Section 53.8, subsection 3, unnumbered paragraph
14 21 3, Code 2007, is amended to read as follows:

14 22 Nothing in this subsection nor in section 53.22 shall be
14 23 construed to prohibit a registered voter who is a hospital
14 24 patient or resident of a health care facility, or who
14 25 anticipates entering a hospital or health care facility before
14 26 the date of a forthcoming election, from casting an absentee
14 27 ballot in the manner prescribed by section 53.10 or 53.11.

14 28 Sec. 27. Section 53.17, subsection 1, paragraph a, Code
14 29 2007, is amended to read as follows:

14 30 a. (1) The sealed carrier envelope may be delivered by
14 31 the registered voter, by an immediate family member of the
14 32 voter, by the special precinct election officials designated
14 33 pursuant to section 53.22, subsection 1, or by the voter's
14 34 designee if the absentee ballot is voted by a voter described
14 35 in section 53.22, subsection 5, to the commissioner's office
15 1 no later than the time the polls are closed on election day.

15 2 (2) If the sealed carrier envelope is delivered by an
15 3 immediate family member of the voter, the immediate family
15 4 member shall, upon delivery of the envelope to the
15 5 commissioner, complete a form provided by the commissioner
15 6 containing the following information:

15 7 (a) The immediate family member's name and address.

15 8 (b) The immediate family member's relationship to the
15 9 voter.

15 10 (c) The serial number on the sealed carrier envelope.

15 11 (d) An attestation stating that the immediate family
15 12 member was authorized by the voter to return the sealed
15 13 carrier envelope.

15 14 (e) The signature of the immediate family member.

15 15 Sec. 28. Section 53.22, subsection 1, paragraph a,
15 16 unnumbered paragraph 1, Code 2007, is amended to read as
15 17 follows:

15 18 A registered voter who has applied for an absentee ballot,
15 19 in a manner other than that prescribed by section 53.10 or
15 20 53.11, and who is a resident or patient in a health care
15 21 facility or hospital located in the county to which the
15 22 application has been submitted shall be delivered the
15 23 appropriate absentee ballot by two special precinct election
15 24 officers, one of whom shall be a member of each of the
15 25 political parties referred to in section 49.13, who shall be
15 26 appointed by the commissioner from the election board panel
15 27 for the special precinct established by section 53.20. The
15 28 special precinct election officers shall be sworn in the
15 29 manner provided by section 49.75 for election board members,
15 30 shall receive compensation as provided in section 49.20 and
15 31 shall perform their duties during the ten calendar days
15 32 preceding the election and on election day if all ballots
15 33 requested under section 53.8, subsection 3, have not
15 34 previously been delivered and returned.

15 35 Sec. 29. Section 53.23, subsection 3, unnumbered paragraph
16 1 1, Code 2007, is amended to read as follows:

16 2 The commissioner shall set the convening time for the
16 3 board, allowing a reasonable amount of time to complete
16 4 counting all absentee ballots by ten p.m. on election day.
16 5 The commissioner may direct the board to meet on the day
16 6 before the election solely for the purpose of reviewing the
16 7 absentee voters' affidavits appearing on the sealed ballot
16 8 envelopes. If in the commissioner's judgment this procedure
16 9 is necessary due to the number of absentee ballots received,
16 10 the members of the board may open the sealed ballot envelopes
16 11 and remove the secrecy envelope containing the ballot, but
16 12 under no circumstances shall a secrecy envelope be opened

16 13 before the board convenes on election day. If the ballot
16 14 envelopes are opened before election day, two observers, one
16 15 appointed by each of the two political parties referred to in
16 16 section 49.13, subsection 2, shall witness the proceedings.
16 17 The observers shall be appointed by the county chairperson or,
16 18 if the county chairperson fails to make an appointment, by the
16 19 state chairperson. However, if either or both political
16 20 parties fail to appoint an observer, the commissioner may
16 21 continue with the proceedings.

16 22 Sec. 30. Section 53.31, unnumbered paragraph 1, Code 2007,
16 23 is amended to read as follows:

16 24 Any person qualified to vote at the election in progress
16 25 may challenge the qualifications of a person casting an
16 26 absentee ballot by submitting a written challenge to the
16 27 commissioner no later than five p.m. on the ~~day~~ Friday before
16 28 the election. It is the duty of the special precinct
16 29 officials to challenge the absentee ballot of any person whom
16 30 the official knows or suspects is not duly qualified.
16 31 Challenges by members of the special precinct election board
16 32 or observers present pursuant to section 53.23 may be made at
16 33 any time before the close of the polls on election day. The
16 34 challenge shall state the reasons for which the challenge is
16 35 being submitted and shall be signed by the challenger. When a
17 1 challenge is received the absentee ballot shall be set aside
17 2 for consideration by the special precinct election board when
17 3 it meets as required by section 50.22.

17 4 Sec. 31. Section 53.37, Code 2007, is amended to read as
17 5 follows:

17 6 53.37 DEFINITIONS.

17 7 1. This division is intended to implement the federal
17 8 Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. }
17 9 1973ff et seq.

17 10 2. The term "armed forces of the United States", as used
17 11 in this division, shall mean the army, navy, marine corps,
17 12 coast guard, and air force of the United States.

17 13 3. For the purpose of absentee voting only, there shall be
17 14 included in the term "armed forces of the United States" the
17 15 following:

17 16 ~~1-~~ a. Spouses and dependents of members of the armed
17 17 forces while in active service.

17 18 ~~2-~~ b. Members of the merchant marine of the United States
17 19 and their spouses and dependents.

17 20 ~~3-~~ c. Civilian employees of the United States in all
17 21 categories serving outside the territorial limits of the
17 22 several states of the United States and the District of
17 23 Columbia and their spouses and dependents when residing with
17 24 or accompanying them, whether or not the employee is subject
17 25 to the civil service laws and the Classification Act of 1949,
17 26 and whether or not paid from funds appropriated by the
17 27 Congress.

17 28 ~~4-~~ d. Members of religious groups or welfare agencies
17 29 assisting members of the armed forces, who are officially
17 30 attached to and serving with the armed forces, and their
17 31 spouses and dependents.

17 32 ~~5-~~ e. Citizens of the United States who do not fall under
17 33 any of the categories described in subsections 1 to 4, but who
17 34 are entitled to register and vote pursuant to section 48A.5,
17 35 subsection 4.

18 1 4. For the purposes of this division, "qualified voter"
18 2 means a person who is included within the term "armed forces
18 3 of the United States" as described in this section, who would
18 4 be qualified to register to vote under section 48A.5,
18 5 subsection 2, except for residency, and who is not
18 6 disqualified from registering to vote and voting under section
18 7 48A.6.

18 8 Sec. 32. Section 53.38, Code 2007, is amended to read as
18 9 follows:

18 10 53.38 WHAT CONSTITUTES REGISTRATION.

18 11 Whenever a ballot is requested pursuant to section 53.39 or
18 12 53.45 on behalf of a voter in the armed forces of the United
18 13 States, the affidavit upon the ballot envelope of such voter,
18 14 if the voter is found to be an eligible elector of the county
18 15 to which the ballot is submitted, shall constitute a
18 16 sufficient registration under chapter 48A. A completed
18 17 federal postcard registration and federal absentee ballot
18 18 request form submitted by such eligible elector shall also
18 19 constitute a sufficient registration under chapter 48A. The
18 20 commissioner shall place the voter's name on the registration
18 21 record as a registered voter if it does not already appear
18 22 there. The identification requirements of section 48A.8 and
18 23 the verification requirements of section 48A.25A do not apply

18 24 to persons who register to vote under this division.

18 25 Sec. 33. Section 53.41, Code 2007, is amended to read as
18 26 follows:

18 27 53.41 RECORDS BY COMMISSIONER == EXCESS REQUESTS OR
18 28 BALLOTS.

18 29 1. The commissioner of each county shall establish and
18 30 maintain a record of all requests for ballots which are made,
18 31 and of all ballots transmitted, and the manner of transmittal,
18 32 from and received in the commissioner's office under the
18 33 provisions of this division.

18 34 2. If more than one request for absent voter's ballot for
18 35 a particular election is made to the commissioner before the
19 1 ballots are ready to mail by or on behalf of a voter in the
19 2 armed forces of the United States, the last request first
19 3 received shall be honored, except that if one of the requests
19 4 is made by the voter, and a request on the voter's behalf has
19 5 not been previously honored, the request of the voter shall be
19 6 honored in preference to a request made on the voter's behalf
19 7 by another.

19 8 3. Not more than one ballot shall be transmitted by the
19 9 commissioner to any voter for a particular election unless
19 10 after the ballot has been mailed the voter reports a change in
19 11 the address to which the ballot should be sent. A ballot
19 12 shall be mailed using a serial number that indicates that this
19 13 is a replacement sent to an updated address. The original
19 14 ballot shall be counted only if the replacement ballot does
19 15 not arrive. If the commissioner receives more than one absent
19 16 voter's ballot, provided for by this division, from or
19 17 purporting to be from any one voter for a particular election,
19 18 all of the ballots so received from or purporting to be from
19 19 such voter are void, and the commissioner shall not deliver
19 20 any of the ballots to the precinct election officials, but
19 21 shall retain them in the commissioner's office, and preserve
19 22 them for the period and under the conditions provided for in
19 23 sections 50.12 through 50.15 and section 50.19.

19 24 Sec. 34. Section 53.49, Code 2007, is amended to read as
19 25 follows:

19 26 53.49 APPLICABLE TO ARMED FORCES AND OTHER CITIZENS.

19 27 The provisions of this division as to absent voting shall
19 28 apply only to absent voters in the armed forces of the United
19 29 States as defined for the purpose of absentee voting in
19 30 section 53.37. The provisions of sections 53.1 through ~~53.35~~
19 31 ~~53.34~~ shall apply to all other voters not members of the armed
19 32 forces of the United States.

19 33 Sec. 35. Section 53.53, subsection 4, paragraph a, Code
19 34 2007, is amended to read as follows:

19 35 a. The ballot was submitted from within the United States,
20 1 unless the voter is a member of the armed forces of the United
20 2 States as described in section 53.37, subsection 2, on active
20 3 duty, and away from the voter's county of residence for
20 4 purposes of serving on active duty.

20 5 Sec. 36. Section 53.53, subsection 4, paragraph b, Code
20 6 2007, is amended to read as follows:

20 7 b. The voter's application for a regular absentee ballot
20 8 was received by the commissioner less than ~~thirty~~ fourteen
20 9 days prior to the election.

20 10 Sec. 37. Section 53.35, Code 2007, is repealed.

20 11 Sec. 38. APPLICABILITY DATE. This division of this Act
20 12 applies to elections held on or after January 1, 2008.

20 13 DIVISION III
20 14 VOTER REGISTRATION

20 15 Sec. 39. Section 48A.2, Code 2007, is amended by adding
20 16 the following new subsection:

20 17 NEW SUBSECTION. 6. "Voter registration list" means a
20 18 compilation of voter registration records produced, upon
20 19 request, from the electronic voter registration file or by
20 20 viewing, upon request, the original, completed voter
20 21 registration applications and forms.

20 22 Sec. 40. Section 48A.5, subsection 2, paragraph c, Code
20 23 2007, is amended to read as follows:

20 24 c. Be at least eighteen years of age. Completed
20 25 registration forms shall be accepted from registrants who are
20 26 at least seventeen and a half years of age; however, the
20 27 registration shall not be effective until the registrant
20 28 reaches the age of eighteen. The commissioner of registration
20 29 shall ensure that the birth date shown on the registration
20 30 form is at least seventeen and one-half years earlier than the
20 31 date the registration is processed.

20 32 Sec. 41. Section 48A.11, subsection 8, Code 2007, is
20 33 amended to read as follows:

20 34 8. A voter registration application lacking the

20 35 registrant's name, sex, date of birth, ~~or~~ residence address or
21 1 description, or signature shall not be processed. A voter
21 2 registration application lacking the registrant's Iowa
21 3 driver's license number, Iowa nonoperator's identification
21 4 card number, or the last four digits of the registrant's
21 5 social security number shall not be processed. A registrant
21 6 whose registration is not processed pursuant to this
21 7 subsection shall be notified pursuant to section 48A.26,
21 8 subsection 3. A registrant who does not have an Iowa driver's
21 9 license number, an Iowa nonoperator's identification number,
21 10 or a social security number and who notifies the registrar of
21 11 such shall be assigned a unique identifying number that shall
21 12 serve to identify the registrant for voter registration
21 13 purposes.

21 14 Sec. 42. Section 48A.25A, unnumbered paragraph 3, Code
21 15 2007, is amended to read as follows:

21 16 This section does not apply to persons described in section
21 17 53.37 who are entitled to register to vote and to vote
21 18 pursuant to section 48A.5, subsection 4.

21 19 Sec. 43. APPLICABILITY DATE. This division of this Act
21 20 applies to elections held on or after January 1, 2008.

21 21 EXPLANATION

21 22 This bill amends Code provisions relating to elections,
21 23 voting, and voter registration.

21 24 Division I of the bill contains changes to general
21 25 provisions relating to the conduct of elections as follows:

21 26 Code section 2.27 is amended to remove a reference to fill
21 27 a vacancy in the office of lieutenant governor by election. A
21 28 vacancy in that office is filled by appointment by the
21 29 governor.

21 30 Code section 43.6 is amended to provide that if a vacancy
21 31 in a county office occurs more than 73 days before the primary
21 32 election, political party candidates to fill that office at
21 33 the general election shall be nominated at the primary
21 34 election.

21 35 Code sections 43.14 and 45.5, relating to the form of
22 1 nomination papers filed for the primary election or filed by
22 2 persons nominated by petition, are amended to provide that a
22 3 signature line shall not be counted if the signer's address is
22 4 outside of the appropriate area or district. Code section
22 5 45.5 is further amended, along with Code section 45.6, to
22 6 clarify that a person signing a nomination petition must be a
22 7 resident of the appropriate ward, city, county, or district.

22 8 Code section 49.8 is amended to provide that precinct
22 9 boundaries drawn by a city council may be redrawn once during
22 10 the period beginning January 1 of the second year following
22 11 the federal decennial census and ending June 30 of the year
22 12 immediately following the year in which the next succeeding
22 13 federal decennial census is taken, if the county commissioner
22 14 of elections recommends that the change will result in a
22 15 substantial savings in election costs. This section of the
22 16 division is effective upon enactment and applies to elections
22 17 held on or after January 1, 2008.

22 18 Code section 49.14 is amended to remove the requirement
22 19 that a majority of the members of the original precinct
22 20 election board be present at the precinct polling place at all
22 21 times on election day. Code section 49.14 is also amended to
22 22 require that the chairperson of the precinct election board be
22 23 present at the precinct polling place at all times on election
22 24 day. Finally, the Code section is amended to require that a
22 25 substitute precinct election official be a member of the same
22 26 political party as the election official for whom the
22 27 substitution is made.

22 28 Code section 49.57 is amended to remove the requirement
22 29 that the names of candidates and political parties appear in
22 30 all capital letters on ballots. The section is also amended
22 31 to allow the names of political parties and nonparty political
22 32 organizations to be abbreviated on ballots if the
22 33 abbreviations are printed with the full name in the "Straight
22 34 Party" and "Other Political Party" areas of the ballot. The
22 35 Code section is also amended to require a minimum font size on
23 1 ballots for constitutional convention questions,
23 2 constitutional amendments, and public measures. A
23 3 corresponding amendment is made to Code section 52.25.

23 4 Finally, Code section 49.57 is amended to provide that a
23 5 ballot shall be printed to contain the unique identification
23 6 number or name assigned by the commissioner to the ballot
23 7 style, rather than a designation of the ballot rotation.

23 8 Code section 49.73 is amended to provide that the polls may
23 9 open at noon, rather than 7 a.m., for any election conducted
23 10 for the unincorporated area of a county. Currently, the polls

23 11 may open at noon for an election in the unincorporated area of
23 12 the county only if it is an election on a local option sales
23 13 and services tax.

23 14 Code section 49.79 is amended to provide a specific list of
23 15 reasons that a person may be challenged as unqualified to
23 16 vote.

23 17 Code section 50.16, relating to preparation of tally lists,
23 18 is amended to make a technical correction changing "officer"
23 19 to "office" and is further amended to remove the A.D. (anno
23 20 domini) abbreviation from the space for the date on the tally
23 21 list.

23 22 Code section 50.25 is amended to provide that the abstract
23 23 of votes in the general election may be made on one sheet for
23 24 county offices, rather than a separate sheet for each county
23 25 office.

23 26 Code section 376.11, relating to write-in votes for city
23 27 offices, is amended to provide that if a person elected by
23 28 write-in votes at a regular city election chooses not to
23 29 serve, the person shall submit the person's resignation to the
23 30 city clerk by 5 p.m. on the tenth day following the canvass of
23 31 that election. Currently, the resignation is required by 5
23 32 p.m. on the day following the canvass of the election.

23 33 Code section 376.11 is also amended to establish a deadline
23 34 for filing a petition to request a special election if a
23 35 write-in candidate who wins a city election declines the
24 1 office and the candidate receiving the next highest number of
24 2 votes is declared the winner. The deadline established for
24 3 filing the petition is within 10 days after the city clerk has
24 4 notified the candidate next declared the winner.

24 5 The division applies to elections held on or after January
24 6 1, 2008.

24 7 Division II of the bill makes changes to absentee voting as
24 8 follows:

24 9 Code section 39A.4 is amended to prohibit incumbent
24 10 officeholders and candidates seeking offices on the ballot
24 11 from serving as observers or challengers of the process of
24 12 counting absentee ballots. Candidates and officeholders are
24 13 currently prohibited from serving in this capacity at the
24 14 polls on election day.

24 15 Code sections 49.63, 53.7, and 53.22 are amended to include
24 16 voting absentee at the commissioner's office in provisions
24 17 relating to voting absentee by mail and voting absentee at a
24 18 satellite absentee voting station.

24 19 Code section 53.2 is amended to allow a voter to apply in
24 20 person at the commissioner's office for an absentee ballot
24 21 from 8 a.m. until 11 a.m. on the day of the election if it is
24 22 an election at which the commissioner has directed that the
24 23 polls shall open at noon. Currently, the county commissioner
24 24 of elections may direct that the polls be opened at noon for
24 25 any school district election, city elections in cities of
24 26 3,500 or less population, for cities above 3,500 population if
24 27 there is no contested election or public measure on the
24 28 ballot, any benefited district, and elections on local option
24 29 sales and services taxes in the unincorporated area of the
24 30 county.

24 31 Code section 53.2 is also amended to provide that an
24 32 application for an absentee ballot require the date of birth
24 33 of the registered voter who is applying for the absentee
24 34 ballot.

24 35 Code section 53.8 is amended to clarify that voters who
25 1 expect to be patients or residents of health care facilities
25 2 or hospitals on election day are not prohibited from voting
25 3 absentee in person at the commissioner's office.

25 4 Code section 53.17 is amended to allow an immediate family
25 5 member of an absentee voter, if authorized by the voter, to
25 6 deliver the voted ballot to the commissioner's office.

25 7 Corresponding amendments are made to Code sections 39A.4 and
25 8 53.8.

25 9 Code section 53.23 is amended to provide that observers to
25 10 witness the proceedings when absentee ballot envelopes are
25 11 opened before election day shall be appointed by the county
25 12 chairperson of the political party or by the state
25 13 chairperson. The section is further amended to provide that
25 14 if observers are not appointed, the commissioner may proceed
25 15 with opening the ballot envelopes.

25 16 Code section 53.31 is amended to change the deadline for
25 17 filing a challenge to an absentee voter from 5 p.m. on the day
25 18 before the election to 5 p.m. on the Friday before the
25 19 election.

25 20 Code section 53.37, relating to military and overseas
25 21 voters, is amended to rewrite the definition of "armed forces

25 22 of the United States" for clarification purposes.
25 23 Code section 53.38 is amended to provide that military and
25 24 overseas voters are not subject to the requirement for persons
25 25 registering by mail to provide identification when voting nor
25 26 are they subject to the requirement that identification
25 27 numbers on absentee ballots be verified.
25 28 Code section 53.41 is amended to provide that if more than
25 29 one request is received by the commissioner for an absentee
25 30 ballot for a military or overseas voter, the last request
25 31 received shall be honored, except that the voter's request
25 32 shall take precedence over a request made by another person on
25 33 the voter's behalf. Code section 53.41 is also amended to
25 34 permit the mailing of a replacement absentee ballot to a
25 35 military or overseas voter who reports a change of address
26 1 after a ballot has been mailed to the voter.
26 2 Code section 53.53 is amended to allow a member of the
26 3 armed forces to return an absentee ballot from within the
26 4 United States if the person is on active duty within the
26 5 United States. The Code section is also amended to change the
26 6 time period during which a voter submitting a federal write-in
26 7 ballot must also apply for a regular absentee ballot.
26 8 Currently, the deadline is more than 30 days before the
26 9 election. The bill changes the deadline to more than 14 days
26 10 before the election.
26 11 Code section 53.35, which makes it unlawful for a person to
26 12 fail to return an absentee ballot, is repealed. Corresponding
26 13 amendments are made to Code sections 39A.5 and 53.49.
26 14 Division II applies to elections held on or after January
26 15 1, 2008.
26 16 Division III of the bill makes the following changes
26 17 relating to voter registration:
26 18 Code section 48A.2 is amended to add a definition of "voter
26 19 registration list".
26 20 Code section 48A.5 is amended to require that the
26 21 commissioner of registration verify that the date of birth
26 22 indicated on a voter registration application form is at least
26 23 17 and one-half years earlier than the date the registration
26 24 is processed.
26 25 Code section 48A.11 is amended to provide that a voter
26 26 registration application form lacking the signature of the
26 27 registrant shall not be processed.
26 28 Code section 48A.25A is amended to specify that all
26 29 military and overseas voters are exempt from the
26 30 identification number verification requirements.
26 31 Division III applies to elections held on or after January
26 32 1, 2008.
26 33 LSB 2804SV 82
26 34 sc:nh/gg/14